

RECENT POLITICAL VIOLENCE
IN EL SALVADOR

REPORT
OF THE
SELECT COMMITTEE ON INTELLIGENCE
UNITED STATES SENATE



OCTOBER 5 (legislative day, SEPTEMBER 24), 1984.—Ordered to be printed
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Mr. GOLDWATER, from the Select Committee on Intelligence,
submitted the following.

REPORT

BACKGROUND

In spring 1984, increasing public attention focused on continuing political violence in El Salvador, particularly the activities of extreme rightwing "death squads." Of particular concern to Members of the Senate were allegations that officials of the military, intelligence and security services of El Salvador were participating in systematic acts of political violence, and even that elements of the U.S. government were connected to this violence or had actually supported or encouraged death squad activities.

On April 3, 1984, Senator Kennedy proposed an amendment to House Joint Resolution 492, a pending urgent supplemental appropriations bill containing funds for military assistance to El Salvador, which would have called for an investigation of "death squads" in that country, including "the extent of death squad activity; responsibility for organizing, directing and carrying out death squad killings; and progress in prosecuting those responsible for such killings."

Senator Kennedy explained his central concern as,

* * * whether the CIA is involved in any way, directly or indirectly, in supporting individuals who are involved in any way, directly or indirectly, in death squad activities; or, whether any funds from the Central Intelligence Agency, or any agency of the Government, is in any way being used in this particular endeavor [; as well as] whether the CIA is in any way involved with individuals who are associated with death squads.

Finally, Senator Kennedy expressed interest in knowing "what the intelligence agencies can tell us" about the nature of death squad activities, especially the involvement of Salvadoran officials or other prominent Salvadoran figures.

In response to the amendment introduced by Senator Kennedy, Chairman Goldwater of the Select Committee on Intelligence stated on the floor of the Senate on April 3 that the Committee would do everything it could to investigate the matter. Senator Kennedy thereupon withdrew his amendment. Chairman Goldwater and Vice Chairman Moynihan of the Intelligence Committee subsequently initiated the Committee's investigation.

In a letter to Foreign Relations Committee Chairman Percy dated May 3, Senators Goldwater and Moynihan indicated that the Intelligence Committee "agreed to investigate the possibility of any U.S. Government agency involvement in the support of death squad activities [and] to look into the availability and quality of intelligence information concerning death squads." On May 9 and May 17 respectively, Senators Inouye and Huddleston, both members of the Intelligence Committee, wrote to the Chairman and Vice Chairman to stress the importance of a complete investigation of these issues by the Committee. Accordingly, the Committee organized a working group composed of several professional staff members to conduct the investigation.

The investigation focused on the period following the military reformist coup of October 1979. The following key questions were identified:

Has any U.S. Government agency or official engaged in activities that could be construed as support for, encouragement of, or complicity or acquiescence in political violence in El Salvador, particularly with respect to death squad activity?

Has the quantity and quality of collection, analysis and production of intelligence information on political violence in El Salvador been commensurate with the importance of this issue to U.S. policy?

For the purposes of the investigation, the term "political violence" was defined to include:

Rightwing death squad activities by Salvadoran officials or other persons, especially those acting with official sanction or the support of prominent private individuals;

Assassinations and other forms of deliberate violent coercion of civilians by the armed left;

Inhumane police or security force practices, especially during interrogations; and

Violent abuse of civilians by regular military forces in connection with their assigned missions and duties.

CONDUCT OF THE INVESTIGATION

The staff working group was organized into separate teams responsible for investigating the programs and activities of the relevant U.S. government agencies and their personnel. These agencies included the Central Intelligence Agency; the Department of Defense, including the Defense Intelligence Agency, the U.S. Southern Command (Southcom), and the National Security Agency; the Department of State, including the Agency for International Development; and the Department of Justice, including the Federal Bureau of Investigation.

The Committee heard classified testimony from the CIA's Deputy Director for Operations on May 10, 1984, and conducted a closed hearing on June 20, 1984, with testimony from representatives of all concerned agencies. Voluminous questions for the record were submitted to the agencies to follow up on their testimony during the June 20 hearing. Additional specific requests for information were also forwarded in writing.

In addition to the testimony and responses provided by the concerned agencies, Committee staff conducted extensive reviews of agency materials and interviews with officials who had direct knowledge of relevant developments during the study period. Executive branch cooperation was satisfactory. Although official substantive responses to Committee questions were often found to be insufficient and special arrangements had to be made to accommodate confidentiality and security concerns, no specific request for information made by the Committee or through the staff was reused by the Executive branch.

The investigation relied primarily on review of materials that constitute a detailed record of day-to-day U.S. Government activities and decisionmaking. Working group members were given access to a broad range of documents, including relevant message, reports and memoranda.

Working group members also interviewed numerous present and former Executive Branch officials associated with U.S. Government activities in El Salvador. Interviews at the various agencies included senior policy makers, analysts and operational personnel who have served in the field. Committee staff visited San Salvador and interviewed various officials at the U.S. Embassy there, including the Ambassador. Staff also met with military officials at Southcom headquarters in Panama.

The Committee solicited information from all Senatorial offices in a letter from the Chairman and Vice Chairman dated June 15, 1984. In addition, the staff informally contacted private individuals and groups interested in Central America, including journalists and former Ambassador to El Salvador Robert White.

The Chairman and Vice Chairman included in their letter of invitation to the witnesses at the June 20, 1984, hearing a detailed list of issues. Members present at the hearing indicated their wish that these issues be specifically addressed in the course of the Committee's investigation. Accordingly, detailed draft reports have been prepared on the activities of each of the agencies within the scope of the Committee's investigation. These reports, which form classified annexes to the public report, cover the following topics:

I. NATURE AND EXTENT OF U.S. GOVERNMENT AGENCY INVOLVEMENT IN SALVADORAN POLITICAL AND INTERNAL SECURITY MATTERS

A. *U.S. Government Activities in El Salvador.*—The missions and programs of U.S. Government agencies in or related to El Salvador.

B. *Scope of Activities in El Salvador.*—Measures which have been taken to fulfill such missions and carry out such programs, with particular emphasis on the persons or groups with which U.S. agencies

have had to deal in furtherance of their responsibilities, and on any missions or activities which could be construed as "connecting" or "involving" U.S. agencies or their personnel in each squad activity.

C. *Policies and Guidelines on Political Violence.*—Guidelines, regulations, or operational procedures with respect to intelligence collection, diplomatic, training, or any other relevant U.S. Government activity, especially in situations in which any staff officer, contractor, local employee, or agent could become involved in, or connected to, political violence (particularly death squad activity) in El Salvador.

D. *Significant Cases or Policy Reviews on Political Violence.*—Specific issues or cases which have arisen regarding interpretation or implementation of such guidelines.

E. *Sharing of U.S. Government Information on Internal Security Matters.*—Passage of information collected or produced by U.S. Government agencies to elements of the Salvadoran government, either by the producing agency or another U.S. Government agency, particularly in circumstances in which such information may have been used in connection with political violence (especially death squad activity).

F. *Controls on Transmission and Utilization of U.S. Government Information.*—Guidelines regarding the passage of U.S. Government information to elements of the government of El Salvador, especially safeguards to prevent misuse of such information.

G. *Official Relationships with Certain Internal Actors.*—Relationships (including training, assistance, or any other form of systematic contact) which U.S. agencies may have had with any individual or group that has been accused of being connected to political violence (particularly death squad activity).

H. *Results of Internal Reviews or Investigations.*—Inspector General, General Counsel, or similar internal investigations or opinions related to the Committee's inquiry.

I. *Interpretation and Implementation of U.S. Policy on Political Violence.*—Understanding of U.S. policy on political violence in El Salvador on the part of the various concerned U.S. Government agencies, measures taken to implement that policy, and the results obtained.

II. U.S. GOVERNMENT ACTIVITIES DIRECTED AT OBTAINING INTELLIGENCE AND OTHER INFORMATION ABOUT POLITICAL VIOLENCE IN EL SALVADOR

A. Tasking of clandestine intelligence collection and other forms of information gathering.

B. Analysis and production efforts on this subject within the Intelligence Community or elsewhere in the U.S. Government.

C. Dissemination of finished intelligence and other information, including information sharing among agencies.

D. Use of available information in policymaking.

III. RESULTS OF U.S. GOVERNMENT STUDY AND ANALYSIS OF POLITICAL VIOLENCE IN EL SALVADOR

A. Extent of official Salvadoran involvement with rightwing death squads.

B. Support of death squads by prominent Salvadorans acting in a personal capacity.

C. Support or encouragement of death squads by Salvadoran expatriates or other external actors, especially those located in the United States.

D. Support or encouragement of leftist political violence by external actors.

E. Official Salvadoran involvement in cruel or inhumane treatment of prisoners, especially during interrogation.

F. Violent abuses of civilians by regular military forces in the course of their assigned missions.

Because the Committee's investigation was conducted in response to concerns about rightwing political violence in El Salvador, particularly death squad activities, the Committee's report concentrates on this phenomenon. The report also recognizes, however, the systematic political violence of the armed left. The Committee wishes to make clear that by issuing the present public report largely on extreme rightwing political violence in El Salvador, it does not mean to imply that rightwing political violence constitutes a greater moral or political issue than similar activities by the extreme left.

SUMMARY

The Committee found ample evidence that the policy of the United States throughout the period under review was consistently to oppose political violence in El Salvador, including violence by extreme rightwing death squads. The degree to which executive branch agencies acted directly with Salvadoran authorities to combat political violence generally reflected their judgments about what was achievable in the Salvadoran political context.

The Committee found that, in the course of carrying out their missions implementing overall U.S. policy to assist the Government of El Salvador in resisting the leftist insurgency, elements of the U.S. government have unavoidably had contact with Salvadoran organizations and individuals strongly suspected of being involved in or associated with political violence. The Committee believes that, for the most part, the problems that have arisen in this regard are of the type which may occur whenever the U.S. government seeks to obtain intelligence on the activities of clandestine organizations such as international terrorist groups or narcotics rings, or to assist foreign governments engaged in violent confrontations with insurgent forces.

The Committee found no evidence to support the allegation that elements of the U.S. government have deliberately supported, encouraged or acquiesced in acts of political violence in El Salvador, including extreme rightwing death squad activity. Indeed, the Committee discovered substantial material indicating that U.S. agencies have attempted to ameliorate political violence by several means, including raising official awareness of the importance of suppressing such activities (especially by members of the Salvadoran political and military establishments), providing assistance to official Salvadoran security organizations to develop more humane methods of operation, and working directly with Salvadoran authorities to resolve many specific cases of political violence.

The Committee believes that, in nearly all instances, contacts between U.S. agencies and Salvadoran organizations or individuals suspected of being involved in political violence have been managed sat-

isfactorily. The Committee has, however, called to the attention of the Executive Branch some instances of concern in the handling of particular relationships.

The Committee also has recommended certain improvements in the way U.S. government agencies coordinate and manage their operations in difficult situations such as that with respect to internal security in El Salvador. The Committee believes it is important for U.S. policies and guidelines concerning relationships with foreign organizations and individuals suspected of involvement in political violence to be as explicit as possible. The Committee also believes that further efforts should be made to verify the accuracy of reports of political violence attributable to local organizations or individuals who are receiving U.S. assistance or with whom the U.S. Government is maintaining contact.

GENERAL CONSIDERATIONS

The upsurge in political violence during the period 1978 to 1983, culminating in the large-scale activities of extreme rightwing death squads since 1980, was based primarily on socio-political factors within Salvadoran society. Clandestine rightist terror developed in the late 1970's in concert with a growing campaign of terrorist actions by leftist forces. Extreme rightist elements claimed that the existing security and judicial systems could not effectively counter the growth of armed leftist activities, and decided to take the law into their own hands.

The growth of an open, constitutional leftist opposition during the late 1970's also antagonized social forces on the far right, including elements of the traditional oligarchy and rightist officers in the armed forces and security services. These elements began resorting to extra-legal means to oppose leftist activism and legally-mandated social reforms.

After the military reformist coup in 1979 and the formation of the junta government, political violence by extreme rightist elements in the government and oligarchy was driven underground. It re-emerged, in part, in the form of the death squads.

The Committee notes that extreme rightwing political violence in El Salvador, especially the activities of the death squads, has diminished as a result of recent political developments. The provisional government of President Magana transferred several military officers linked to political violence, and began to prepare the framework for new investigative and judicial protection units. The constitutional government of President Jose Napoleon Duarte has pledged even greater efforts to suppress the death squads.

Major steps have been taken to control political violence since the inauguration of President Duarte in June. Additional officers believed to be involved in death squads or other forms of political violence have been transferred or dismissed from government service. Officers with good human rights records have been appointed to head the National Police and Treasury Police, and the notorious intelligence section of the latter has been disbanded.

A new position of Vice Minister of Defense for Public Security has been created in order to strengthen oversight of the security services. The new Vice Minister, Colonel Reynaldo Lopez Nuila, is an officer

with legal training who previously served as Director General of the National Police. Colonel Lopez Nuila enjoys a reputation as a moderate with a good human rights record. He recently promulgated guidelines on the treatment of prisoners by the security services.

President Duarte's administration is also seeking to establish institutional mechanisms for reducing political violence. One of his first presidential acts was to announce his intention to establish a commission to investigate cases of politically motivated violence; the commission was formally established by executive decree on August 24. The Investigative Commission will report directly to the President, and will employ a special unit of investigators, two of whom have received training from the U.S. FBI. It will investigate at least five specific cases of political violence, including the 1980 murder of American journalist John Sullivan, the 1981 Sheraton murders of two American labor advisors and a Salvadoran agrarian reform official, and the assassination of Archbishop Oscar Romero.

The special investigative unit is a temporary measure pending the creation of a national criminological institute with a forensic laboratory, an investigative arm with arrest powers, and national jurisdiction. Legislation to establish this criminological institute is now being drafted by the Duarte administration. Once formed, the criminological institute will have investigation and prosecution of politically motivated crimes as one of its primary responsibilities.

To strengthen the judicial system to deal with crimes of political violence, the Magana administration began to form a judicial protection unit in the Ministry of Justice, and President Duarte has taken steps to provide the unit with a legal basis under Salvadoran law. Its function is to protect judges, juries and witnesses from intimidation in cases involving political violence; the unit has already functioned in the trial leading to the conviction and imprisonment of the murderers of the four American churchwomen. In addition, President Duarte is continuing the work of a special commission formed by the Magana administration to prepare recommendations for further strengthening the criminal justice system.

The actions of the Magana and Duarte administrations have already achieved results. The human rights office of the Salvadoran Catholic Church has stated that death squad murders have dramatically declined recently, falling to the lowest levels since regular monitoring began in 1980. This report is confirmed by statistics maintained by the U.S. Department of State and by other, non-governmental, sources.

The encouraging trend with respect to activities of the extreme rightwing death squads does not necessarily mean that the broader problem of political violence in El Salvador is on its way to speedy resolution, however. Political violence by the armed left continues. There also continue to be reports of brutalities committed by the Salvadoran security services and military forces in the field, in connection with their regular operations. Furthermore, political instability in El Salvador could lead to a revival of the death squads.

COMMITTEE FINDINGS

The issues raised and conclusions reached by the Committee as a result of this investigation are important for U.S. foreign operations in general, not just in El Salvador. These issues relate to the conduct

of U.S. intelligence activities against targets such as terrorist groups and narcotics traffickers, and the conduct of U.S. intelligence, diplomatic, and military assistance activities when elements of the local government and/or military establishment appear to be involved in extra-legal activities, especially political violence. Thus, it is the Committee's belief that there are lessons to be learned from the U.S. experience in El Salvador which will prove to be useful in further conducting U.S. policy in that country and in analogous situations elsewhere.

The public deserves to be reassured about operations of the U.S. government abroad, which have been brought into question as a result of repeated allegations about U.S. government involvement with Salvadoran individuals and groups associated with death squads and other forms of political violence. The Committee is, therefore, issuing at this time certain key findings and recommendations concerning recent political violence in El Salvador. This public report does not exhaust the issue considered by the Committee in the course of its investigation.

The classified annexes to this report contain considerable information concerning Salvadoran officials or private individuals who are alleged to have been involved with death squads or to have encouraged other violent human rights abuses. The Committee, however, is not prepared at this time to discuss connections between named Salvadorans and death squads or other extremist activities. Although the American public has an interest in this information due to its significance for U.S. policy in El Salvador, two factors make it necessary for the Committee to respect the classified nature of this information at this time.

First, for the most part, intelligence reports on this subject do not involve eyewitness accounts of events or incorporate corroborating evidence of them. Available reports are largely based on human intelligence sources with access to statements made by involved individuals.

Second, while the current government in El Salvador has been successful in achieving an amelioration of death squad activities and other abuses, there is still considerable political instability and the potential for deterioration of the human rights situation still exists. The Committee has decided not to disclose information which could exacerbate this situation.

I. U.S. GOVERNMENT PRIORITY ON COLLECTION OF INTELLIGENCE AND OTHER INFORMATION ON POLITICAL VIOLENCE IN EL SALVADOR

The Committee finds that the U.S. government has recently accorded high priority to collecting intelligence and other information on political violence in El Salvador, particularly extreme rightwing death squad activities. Due to the clandestine nature of the death squads, it has been difficult to obtain consistent and reliable reporting on their composition and activities. Substantial credible information does exist on this subject, however, and this information has played an important part in the formation of U.S. government policy.

Specifically, intelligence was important in providing the basis of U.S. Government communications on the subject of human rights with the Salvadoran government, including the demarche made by Vice President Bush during his visit in late 1983. Intelligence has also

provided the basis for alerting the U.S. government to the existence of serious threats against its personnel in El Salvador, including the U.S. Ambassador.

The Committee finds, however, that the U.S. government was slow to recognize the significance of organized extreme rightwing terrorism for U.S. policy in El Salvador. Prior to 1980, due to the rapid expansion of leftist insurgent activities (including deliberate acts of political violence) official U.S. attention was directed almost exclusively at the intentions and activities of the armed left. There was significant reporting on rightwing death squad activities in 1980-81. During the period 1981-83, intelligence reporting on the extreme right was impeded not only by the difficulty of this target but by the fact that rightists also formed an integral part of the government of El Salvador.

Recognition of the crucial nature of this subject led to greatly increased efforts in 1983; while these efforts were rewarded by considerable information on the subject of rightwing extremism, they continue to be limited by the difficult and sensitive nature of this target. The Committee notes, moreover, that there has not been a comprehensive analysis of intelligence and other information on political violence in El Salvador.

II. U.S. GOVERNMENT RELATIONSHIP WITH CERTAIN PROMINENT SALVADORANS

Great interest has centered on what relationship, if any, the U.S. government has had with certain Salvadorans. Committee staff have carefully pursued this subject through review of relevant files and interviews with numerous U.S. government officials. As a result, detailed information concerning the activities of several Salvadoran individuals is contained in the classified annexes to this report.

The Committee has decided to publish a summary of its findings concerning the nature of any relationship between the U.S. government and three of these individuals, due to their prominence and public speculation about their activities. With respect to these three individuals, as well as the others, the Committee has found no evidence of U.S. complicity in political violence in El Salvador as a result of any such relationship. The Committee has, however, recommended that U.S. government agencies more carefully assess the suitability of relationships they may have with individuals in areas, like El Salvador, in which there is significant political violence or other human rights abuse.

(1) *Roberto D'Aubuisson*

Roberto D'Aubuisson is a former major in the Salvadoran Army who served with the military intelligence organization ANSESAL. After his discharge from military service in 1978, he continued to be associated with far right political and social forces in El Salvador and elsewhere in Central America. In 1982, Roberto D'Aubuisson was elected President of the Constituent Assembly, having run as the candidate of the rightist Republican National Alliance (ARENA) party. He was defeated as the ARENA candidate for President of the country in 1984.

D'Aubuisson, like many other Central American military officers, received some training sponsored by the United States during the early 1970's. The Committee has found no evidence, however, that the U.S. government has ever had any other official relationship with Roberto D'Aubuisson. The evidence shows that contacts between U.S. officials and D'Aubuisson over the years have been limited.

(2) *Roberto Santivanez*

Roberto Santivanez was Director of the military intelligence organization ANSESAL in 1978-79. In 1983, while he was Salvadoran consul general in New Orleans, he made claims to the press that he himself had engaged in death squad and other rightist political violence while in El Salvador. He also asserted that he had a relationship with the U.S. government, through the CIA, and that other prominent Salvadoran officials associated with the extreme right, such as Col. Nicolas Carranza, also had ties to the CIA.

The Committee has reviewed the material held by the U.S. government on Santivanez. The Committee can confirm that Santivanez had limited informal contacts with U.S. government officials during two brief periods when the nature of his position involved security-related duties. The record shows that U.S. officials strongly emphasized the importance of human rights concerns in all their dealings with Santivanez.

(3) *Col. Nicolas Carranza*

Col. Nicholas Carranza has had extensive ties with the Republican Nationalist Alliance (ARENA) and National Conciliation (PCN) parties, and has been thought at various times, especially during 1982, to be a potential contender for a higher position within the military establishment, if not the Presidency itself. Col. Carranza served as Deputy Defense Minister in 1979-80 and Director General of the Treasury Police in 1983-84.

Colonel Carranza was involved with various activities of interest to the United States when he served as Deputy Defense Minister and in other security-related positions. The Committee has reviewed relevant records and finds that Carranza had official contact with the U.S. government at various times, especially during these periods.

The Committee is concerned that through its maintenance of contact with Carranza, the U.S. government may have been perceived to be associated somehow with the political far right in El Salvador. There is little evidence, however, to indicate that Carranza was personally involved in extreme rightwing political violence. The Committee has therefore concluded that the U.S. government did not become implicated in political violence through its contact with Carranza.

III. U.S. GOVERNMENT RELATIONSHIP WITH SALVADORAN SECURITY INSTITUTIONS

In accordance with overall U.S. government policy to sustain the Government of El Salvador against attacks from extra-Constitutional opponents, including both the armed left and the extreme right, U.S. agencies have engaged in a range of authorized programs to assist Salvadoran security institutions. These institutions include not only the regular armed forces but the security services.

Political violence has been associated in several ways with the Salvadoran security institutions, such as through violent abuse of civilians by regular forces during military operations and inhumane military, police or security force practices, especially involving detainees—including forcible interrogation and execution. Special concern, however, has been focused on the problem of death squad activities originating from the security services, sometimes in cooperation with non-governmental elements.

The main Salvadoran security services include the National Police, National Guard and Hacienda, or Treasury Police. The National Intelligence Service or Directorate (DNI) of the Armed Forces General Staff will also be discussed in this section due to allegations concerning its activities and relationship with U.S. agencies. Similarly, information concerning abuses attributable to military operations will be considered here.

A. General findings

The Committee finds that in general U.S. government agency activities in assisting the Salvadoran security institutions have been legitimately related to overall U.S. government policy to support the Salvadoran government against extra-Constitutional opponents. To this end, a variety of training and assistance programs and other forms of support have been provided to the Salvadoran services. These programs have not implicated U.S. government agencies in any abuses attributable to their Salvadoran counterparts. Indeed, in maintaining these relationships U.S. officials have consistently stressed the importance of human rights compliance.

It is undeniable, however, that significant political violence—including death squad activities—has been associated with elements of the Salvadoran security establishment, especially the security services. The U.S. government has information which corroborates public claims that death squad activities, as well as other abuses provoked by extreme rightwing officers or their associates, have originated in the Salvadoran security services, including the National Police, National Guard and Treasury Police. The officers involved in these abuses appear to have been part of a rightist terrorist underground in El Salvador that has also included nongovernmental elements.

U.S. government agencies have occasionally come into direct contact, in maintaining their official relationships with the Salvadoran security establishment, with specific officers who were strongly suspected of involvement in death squad activities and other human rights abuses. The record made available to the Committee for these cases indicates that this factor was indeed weighed in assessing whether such contacts should have been maintained.

The Committee is satisfied that in maintaining contact with the Salvadoran services through these officers, U.S. government officials did not themselves become involved with any extra-legal activities. The Committee nevertheless is concerned that in certain cases insufficient weight may have been given to negative information on certain Salvadoran officials, or that insufficient efforts were made to determine the truth. Accordingly, the Committee has expressed its concern that by maintaining any form of contact with these individuals, the U.S. government may somehow have appeared to lend its acquiescence to extra-

legal activities. The Committee accordingly has recommended that improved procedures be implemented in this area in the future.

The Committee has also found, however, that U.S. intelligence personnel have been particularly careful, in their relations with Salvadoran officials, to emphasize that the nature of the relationship was limited and to maintain high professional standards in their contacts with the local security institutions.

B. Presence of U.S. officials during security service abuses?

There have been allegations that forcible interrogation and torture occur at the headquarters of the Salvadoran security services, that U.S. officials have participated in debriefings of prisoners by the Salvadoran security services, and even that U.S. personnel have been present in situations in which forcible interrogation has occurred. Committee staff have conducted extensive interviews with U.S. government officials on this subject.

The Committee believes that the U.S. government has had sufficient access to certain security service headquarters to determine whether forcible interrogations or other forms of human rights abuse are conducted there. U.S. personnel have observed no evidence of such practices, although these cannot be completely excluded in the case of organizations whose facilities are not subject to regular access by U.S. personnel.

The Committee found no evidence that U.S. personnel have participated in forcible interrogations or other human rights abuse of security service or other prisoners. Occasionally U.S. officials are given access to Salvadoran detainees who have voluntarily agreed to be interviewed by them. These debriefings occur very seldom and are conducted for legitimate intelligence purposes, especially obtaining further information on the plans of the leftist insurgents. Such debriefings have not involved coercive techniques, which would be totally inconsistent with U.S. government agency policies, as well as American values.

C. Misuse of U.S. Government information?

It has also been alleged that U.S. government information concerning Salvadoran individuals has been provided to the security institutions in the absence of effective safeguards. This would raise the possibility of misuse of this information in support of political violence by security service personnel or their associates.

Committee staff have extensively interviewed U.S. government officials to determine whether and under what conditions U.S. government information has been transferred to components of the Salvadoran government. The Committee has been informed that, to the extent such transfers occur, the information in question would nearly always be of an exclusively tactical nature, intended to alert Salvadoran forces to the potential of paramilitary action by insurgent forces. Furthermore, information of a personal nature involving Salvadoran individuals has not been transferred to security-related elements of the Salvadoran government except in highly unusual cases.

The Committee finds, therefore, that because of the limited number of cases in which U.S. government security information has been transferred to the Salvadorans and the nature of such cases, there has not been a high probability of misuse of such information by the recipient

or other Salvadoran officials or groups. The Committee believes, nevertheless, that more systematic means should be found to ensure that this remains the case.

The Committee accordingly has recommended that U.S. agencies attempt to monitor more closely the human rights compliance of Salvadoran security institutions, especially those with which U.S. agencies work directly. Further means should also be found to ensure strict compliance with current policy that no assistance be provided to local intelligence or security services that could provide any support to subsequent human rights abuses in situations in which, such as in El Salvador, a significant potential exists for misuse of the benefits of U.S. assistance or support.

D. U.S. law enforcement assistance to Salvadoran authorities

The Committee has reviewed the efforts of the FBI and other components of the Justice Department to assist Salvadoran authorities to bring to justice those responsible for death squad activity and other political violence, especially in cases of deaths of American citizens. The Committee finds that these activities have made a constructive contribution to the ability of the Salvadoran government to develop a workable criminal justice system.

In six cases of U.S. citizens killed in El Salvador since 1980, the FBI has given investigative advice to U.S. Embassy officials and to Salvadoran law enforcement officials, provided laboratory services and other technical assistance (including polygraph examinations) and conducted interviews and other investigative activities in the United States based on leads developed in El Salvador. The report of former Judge Harold R. Tyler, Jr., on the case of the four American churchwomen killed by Salvadoran National Guardsmen in 1980 praised the FBI for being "vigorous and effective . . . in rendering critical investigative and technical assistance." The FBI has also provided valuable assistance in the case of the 1981 killing of Rodolfo Viera, a Salvadoran land reform leader, and two agricultural advisors for the AFL-CIO's American Institute for Free Labor Development. The FBI's role in other cases has been less extensive.

There are limits on FBI activities in such cases based on policy and legal considerations. Justice Department policy requires that, before the FBI can provide investigatory assistance, it must be specifically requested by the foreign government and approved by the Attorney General. Since there is no specific statutory authority for FBI investigations of criminal acts outside U.S. jurisdiction, current policy is based on reciprocity with foreign governments, so as to receive their help in enforcing U.S. laws. Furthermore, evidence obtained by the FBI without participation by Salvadoran investigators would rarely be admissible in Salvadoran courts.

The FBI has provided training to several Salvadoran law enforcement officers. Such training is designed to enhance investigative skills and appreciation for human rights; two of the trainees have been assigned to the new unit investigating death squad crimes. The Justice Department states that specific statutory authority may be needed for any further FBI training of this sort.

Other Justice Department components have worked with the State Department and other federal law enforcement agencies to assist Salvadoran authorities, especially in providing witness, juror and court-

room security. Congress has approved a total of \$6.5 million for improvements in the administration of justice in El Salvador, including \$3 million in the Continuing Resolution for Fiscal Year 1984, \$.5 million in the Urgent Supplemental, and \$.3 million in the supplemental appropriation passed in August 1984.

IV. GUIDELINES PREVENTING INVOLVEMENT IN POLITICAL VIOLENCE

The Committee has sought to determine the extent to which specific guidelines exist to help U.S. agencies apply U.S. government policy on human rights to their operations abroad. Public expression of the linkage between intelligence operations abroad and human rights considerations is found in Section 2.11, "Prohibition on Assassination," of Executive Order No. 12333 (1981), which governs the composition and functions of the U.S. intelligence community. This paragraph reads as follows:

No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination.

A subsequent section, 2.12, provides that intelligence agencies should not participate in proscribed activities by others, or request outside parties to do so.

The Committee has determined that there is a high level of awareness among officials of the U.S. government, especially the Intelligence Community, regarding the importance and breadth of U.S. policy prohibiting involvement in assassinations abroad. There are procedures for special consideration of activities which might bring the policy prohibiting involvement in assassinations into play. The record demonstrates that these procedures have been followed, including when valuable intelligence opportunities have been involved.

CIA policy constraints on operations go beyond the ban on participation in assassination conspiracies. It is CIA policy not to condone, participate in, or promote by instruction or any other means, murder, the use of torture, or any other gross violations of human rights. The Committee has directed a set of hypothetical questions regarding such situations to the CIA and has been satisfied with the Agency's responses about how it would apply relevant policy guidelines in them.

The Committee recommends that further explicit formulations of policy against involvement in political violence abroad be undertaken by the Executive branch agencies. The CIA is preparing an updated guidance to remind its employees of their responsibilities in this regard; the Committee welcomes this action. The Committee also recommended that the CIA and other agencies should consider providing further training in human rights considerations for officials bound to locations where there has been a significant history of violent abuses.

V. U.S. GOVERNMENT INFORMATION ON RECENT POLITICAL VIOLENCE IN EL SALVADOR

The Committee has reviewed a large body of intelligence and other information held by the U.S. government on the following topics related to the recent political violence in El Salvador. As discussed earlier, however, there has been significant improvement in several aspects of the human rights situation in El Salvador in recent months.

A. Official Salvadoran involvement in death squads and other violent human rights abuses

Numerous Salvadoran officials in the military and security forces as well as other official organizations have been involved in encouraging or conducting death squad activities or other violent human rights abuses. This has included many middle-level officers and a few higher-ranking officials; a large number of low-level personnel have also been involved.

By and large, the death squad and other abuses involving Salvadoran officials or encouraged or condoned by them have originated from the security services—especially in recent years the Treasury Police but also the National Police and National Guard. Personnel from military units have also been involved in such abuses. For the most part, death squads associated with the security services have been constituted and directed informally, off-hours and out of uniform, by like-minded personnel. Actual direction of these activities has come from mid-level officials whose activities in many cases were not fully known to their more senior colleagues. There has been significant support and encouragement from outside groups. Even when they have been willing to do so, senior commanders have found it difficult to suppress these extra-legal activities due to pressure from rightwing extremists both within and outside the official establishment.

B. Prominent Salvadorans involved in death squads

A number of prominent Salvadorans have supported, directed or engaged in death squad activities in addition to having encouraged other violent human rights abuses. This has included officials in the civilian government, representatives of private sector organizations, and various individuals associated with the traditional oligarchy of the country.

The Committee has reviewed a large number of intelligence reports and other classified materials concerning the involvement of specific individuals with Salvadoran political violence. As stated earlier, the Committee has determined that such information should not be included in this public report. The Committee notes, however, that the U.S. government possesses a substantial body of credible intelligence on the role of certain individuals in death squad activities and other forms of political violence in El Salvador. This intelligence is summarized in the classified annexes to this report.

C. Support by Salvadoran Expatriates and others, especially from the United States

Support for groups and individuals involved in death squad activities and other forms of political violence has been provided by sources outside El Salvador, including Salvadoran expatriates in the United States. There are credible intelligence reports that persons in the United States not only have provided funds to groups that engage in political violence, but also have occasionally become directly involved in assisting or directing their operations.

Since 1981, the FBI has investigated such allegations and has followed up the leads that it has received. While in many cases the FBI has not been able to find direct evidence or witnesses with personal knowledge to substantiate these allegations, other reports and leads continue to be pursued actively within the framework of the Attorney General's guidelines and applicable laws.

D. Political violence by the armed left in El Salvador

The Committee has reviewed extensive intelligence materials related to the plans and operations of the armed left in El Salvador and their external supporters. The leftist insurgents in El Salvador operate outside the laws of the country and have engaged in regular political violence, including armed robberies, kidnappings, sabotage, assassinations and other killings, and other acts of terrorism. There is also intelligence information to demonstrate that these tactics are supported and encouraged by governmental and non-governmental sources of assistance outside El Salvador, including regional and extra-regional Communist nations.

E. Official Salvadoran involvement in cruel or inhumane treatment of prisoners, especially during interrogations

U.S. officials believe that considerable political violence has occurred in connection with regular security service operations. The greatest single problem in this regard is the abuse of prisoners—through forcible interrogation, other mistreatment, and execution—before they reach lawful places of detention, such as security service headquarters or the Mariona prison outside San Salvador. Once detainees have reached these facilities, they generally come under official Salvadoran government and outside monitoring and can be expected to serve their terms of imprisonment normally. The abuse of detainees has largely occurred in the field and is in line with the history in El Salvador of rough treatment of detainees by security forces, most often at the hands of extremist middle-level officers and poorly trained enlisted personnel.

F. Violent abuse of civilians by regular military forces

Numerous instances of violent abuse of civilians have been attributed to regular military forces acting in the course of their assigned missions. The facts concerning these reports have been subject to disagreement due to the tendency of both government representatives and insurgent leaders to minimize their own involvement and blame the other side. Although the truth may often be difficult to determine, the Committee has recommended stronger efforts by U.S. personnel to investigate such incidents.

The leftist insurgents have engaged in disinformation efforts, largely through their clandestine radio facilities, falsely reporting atrocities or attributing civilian casualties to government forces. U.S. military personnel in El Salvador believe that the professionalism of Salvadoran military units has greatly improved. They believe, furthermore, that government forces will continue to improve both their human rights performance and the effectiveness of their operations—more effectively combatting guerrilla concentrations while limiting collateral casualties.

CONCLUSION

The issue of whether the United States should become involved in the support of governments which are engaged in human rights abuses, harboring elements participating in extra-governmental political violence, or institutionally incapable of ridding themselves of such persons is beyond the scope of the Committee's investigation and hence of this report. When the United States does decide to support such governments, however, our diplomatic, intelligence, and military per-

sonnel can face serious problems in carrying out their assigned duties while attempting to avoid activities which could be construed as support, encouragement, or acquiescence in political violence.

Elements of the U.S. government are likely to face allegations similar to those which have been made about their activities in El Salvador whenever U.S. policy dictates support to countries where there has been a record of human rights violations. The leverage which the United States can exert over the conduct of a regime whose very survival might appear to be dependent on U.S. good will and material assistance can easily be overestimated. In reality, such leverage declines when the United States is perceived by those whom it is attempting to influence to be constrained by independent policy considerations (e.g., the effort to limit Communist influence in Central America) that restrict its freedom of action.

Whether the United States could or should have done more to couple its efforts to improve the Salvadoran human rights situation with credible threats to withdraw U.S. support for the government in its battle against the insurgency is also an issue beyond the scope of this report. Unless there is at least a perceived willingness to take this kind of drastic step, however, the United States cannot expect easy success in its efforts to combat political violence in analogous situations. Further efforts should be made, therefore, to equip U.S. agencies with the ability to factor such circumstances into their conduct so that it can be demonstrated upon review that the U.S. Government is fully aware of the context in which it is acting and has adjusted its operations so as to avoid, to the maximum extent possible, any activity that could be construed as support, encouragement or acquiescence in any extra-legal activities, especially political violence.

The Committee's investigation of recent political violence in El Salvador leads it to conclude that, while U.S. officials and agencies generally have performed admirably under difficult and dangerous circumstances, certain improvements can and should be made in procedures and safeguards governing the operations of U.S. Government agencies abroad. Routine policy guidelines related to official contact with host country security institutions, for example, with respect to information sharing, might not be adequate in situations such as the extreme violence which existed in El Salvador over the past several years. Thus, the Committee has recommended that agencies develop further guidelines and procedures, that personnel receive special indoctrination, and that agencies use internal review mechanisms such as consultations with their general counsels or inspectors general whenever it is likely that operational components may encounter difficulties in this area.

Although the Committee is issuing this public report at this time, its oversight efforts will continue. Executive Branch agencies are still considering and replying to the classified annexes to this report. The Committee will continue to pursue issues that have come to its attention as a result of this investigation. Furthermore, the Committee plans to work with the Director of Central Intelligence to develop mechanisms for ensuring that it is fully and currently informed of all intelligence activities which raise related issues, so that there will continue to be regular and comprehensive Congressional oversight in this area.